



The Mysore Gazette.

Vol. 48.]

PUBLISHED BY AUTHORITY.

[No. 23.]

BANGALORE, THURSDAY, JUNE 5, 1913.

PART III.

Legislative Measures and Rules thereunder.

REGULATION No. II OF 1913.

A Regulation further to amend the Mysore Military Regulation, 1899.

(Received the assent of His Highness the Maharaja on the 23rd January 1913.)

WHEREAS it is expedient to further amend the Mysore Military Regulation, II of 1899, His Highness the Maharaja is pleased to enact as follows:—

Preamble.

1. For the words "Articles of war" occurring in paragraphs 1 and 36, the words "Army Act, 1911" shall be substituted.

Amendment of paragraphs 1 and 36.

2. In No. 6 under the sub-heading "Non-commissioned Officers, Sowars and Drivers" and in No. 4 under the sub-heading "Followers," of paragraph 67, for the figure "50" the figure "30" shall be substituted.

Amendment of paragraph 67.

3. In the first sentence of paragraph 74, for the figure "50" the figure "30" shall be substituted.

Amendment of paragraph 74.

M. VISVESVARAYA,

Dewan.



The Mysore Gazette.

Vol. 48. PUBLISHED BY AUTHORITY. [No. 26.]

BANGALORE, THURSDAY, JUNE 26, 1913.

PART III.

Legislative Measures and Rules thereunder.

REGULATION No. III of 1913.

A Regulation to amend the law relating to Partition in Mysore.

(RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA
ON THE 11TH DAY OF JUNE 1913.)

Whereas it is expedient to amend the law relating to Partition; His
Preamble. Highness the Maharaja is pleased to enact as follows:—

Short title, extent and com-
mencement.

1. (1) This Regulation may be called "The Parti-
tion Regulation, 1913."

(2) It extends to the whole of Mysore; and

(3) It shall come into force at once. But nothing herein contained shall be
Savings. deemed to affect any law providing for the partition of
immovable property paying revenue to Government.

2. Whenever in any suit for partition in which, if instituted prior to the
commencement of this Regulation, a decree for parti-
tion might have been made, it appears to the Court
that, by reason of the nature of the property to which
the suit relates, or of the number of the shareholders
therein, or of any other special circumstance, a division of the property cannot
reasonably or conveniently be made, and that a sale of the property and distribu-
tion of the proceeds would be more beneficial for all the shareholders, the Court
may, if it thinks fit, on the request of any of such shareholders interested indivi-
dually or collectively to the extent of one moiety or upwards, direct a sale of the
property and a distribution of the proceeds.

3. (1) If, in any case in which the Court is requested under the last foregoing section to direct a sale, any other shareholder applies for leave to buy at a valuation the share or shares of the party or parties asking for a sale, the Court shall order a valuation of the share or shares in such manner as it may think fit and offer to sell the same to such shareholder at the price so ascertained, and may give all necessary and proper directions in that behalf.

(2) If two or more shareholders severally apply for leave to buy as provided in sub-section (1), the Court shall order a sale of the share or shares to the shareholder who offers to pay the highest price above the valuation made by the Court.

(3) If no such shareholder is willing to buy such share or shares at the price so ascertained, the applicant or applicants shall be liable to pay all costs of or incident to the application or applications.

4. (1) Where a share of a dwelling house belonging to an undivided family has been transferred to a person who is not a member of such family and such transferee sues for partition, the Court shall, if any member of the family being a shareholder shall undertake to buy the share of such transferee, make a valuation of such share in such manner as it thinks fit, and direct the sale of such share to such shareholder and may give all necessary and proper directions in that behalf.

(2) If in any case described in sub-section (1) two or more members of the family being such shareholders severally undertake to buy such share, the Court shall follow the procedure prescribed by sub-section (2) of the last foregoing section.

5. In any suit for partition, a request for sale may be made, or an undertaking, or application for leave, to buy may be given or made on behalf of any party under disability by any person authorised to act on behalf of such party in such suit, but the Court shall not be bound to comply with any such request, undertaking or application, unless it is of opinion that the sale or purchase will be for the benefit of the party under such disability.

6. (1) Every sale under section 2 shall be subject to a reserved bidding and the amount of such bidding shall be fixed by the Court in such manner as it may think fit and may be varied from time to time.

(2) On any such sale, any of the shareholders shall be at liberty to bid at the sale on such terms as to non-payment of deposit or as to setting off or accounting for the purchase money or any part thereof instead of paying the same as to the Court may seem reasonable.

(3) If two or more persons, of whom one is a shareholder in the property, respectively advance the same sum at any bidding at such sale, such bidding shall be deemed to be the bidding of the shareholder.

7. Save as hereinbefore provided, when any property is directed to be sold under this Regulation, the procedure prescribed therefor by rules made by the Chief Court in this behalf from time to time shall, as far as practicable, be adopted. Until such rules are made, the procedure prescribed in the Code of Civil Procedure in respect of sales in execution of decrees shall be followed.

8. Any order for sale made by the Court under section 2, 3 or 4 shall be deemed to be a decree within the meaning of section 2 of the Code of Civil Procedure.

9. In any suit for partition, the Court may, if it shall think fit, make a decree for a partition of part of the property to which the suit relates and a sale of the remainder under this Regulation.

10. This Regulation shall apply in suits instituted before the commencement thereof, in which no scheme for the partition of the property has been finally approved by the Court.